

SENATE BILL REPORT

SHB 2567

As Reported By Senate Committee On:
Government Operations & Elections, February 22, 2008

Title: An act relating to open meetings.

Brief Description: Increasing the civil penalty for violating the open public meetings act.

Sponsors: House Committee on State Government & Tribal Affairs (originally sponsored by Representative Haler).

Brief History: Passed House: 2/13/08, 77-19.

Committee Activity: Government Operations & Elections: 2/22/08 [DP]

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: The Legislature enacted the Open Public Meetings Act (OPMA) in 1971. The OPMA requires that all meetings of the governing body of a public agency must be open and public for anyone to attend. A meeting is defined as a meeting where action is taken. Action is defined as the transaction of official business, including but not limited to, public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

The OPMA provides that every member of a governing body who attends a meeting where action is taken in violation of statutory requirements, and has knowledge that the meeting is in violation, is subject to a civil penalty in the amount of \$100.

Summary of Bill: Civil penalties for violations of the OPMA may be awarded in an amount ranging between \$250 - \$1,000.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony on Substitute Bill: PRO: There have been many violations of the Open Public Meetings Act. A fine of only \$100 does not provide much disincentive for routine violators. Perhaps increasing the fine and allowing a judge discretion to impose up to \$1,000 per violation will make routine violators think twice before they break the law.

OTHER: The original version of the bill increased the fine to a flat \$1,000. The Association of Washington Cities is satisfied now that the substitute bill carries a range of \$250 – \$1,000.

Persons Testifying: PRO: Representative Haler, prime sponsor; Mike Belenski, citizen.

OTHER: Victoria Lincoln, Association of Washington Cities.